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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,564	11/07/2000	Florian Kern	KREISLER1089	5234

7590 10/15/2002  
Norris McLaughlin & Marcus  
220 East 42nd Street  
30th floor  
New York, NY 10017

*Sequence Due 11-15-02*

EXAMINER	
GABEL, GAILENE	
ART UNIT	PAPER NUMBER

1641

DATE MAILED: 10/15/2002

16

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APPLICATION NO. / PATENT & CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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*1 month per EX Gabel  
on 10/21/02*

EXAMINER
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ART UNIT	PAPER
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**SEQUENCE COMPLIANCE**

1. The reply filed on 5/21/02 is not fully responsive to the prior Sequence Compliance notice mailed to Applicant on 3/15/02 in Paper No. 10 because: the Sequence Compliance notice set forth to Applicant (see item no. 7 of Paper No. 10) required that the sequences recited in page 14 must be identified by a sequence identifier, i.e. SEQ ID No: X. The nucleotide/amino acid sequences in page 14 of the specification are encompassed by the definitions for nucleotide sequences as set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). The M.P.E.P., Section 2422.02, 37 CFR 1.821(b) requires exclusive conformance, with regard to the manner in which the nucleotide/amino acid sequences are presented and described, with the sequence rules for all applications that include nucleotide sequences that fall within the definitions. When a sequence is presented in the specification or a drawing, the sequence must still be included in the Sequence Listing and a sequence identifier ("SEQ ID NO:X") must be used. It does not appear that the sequences recited in page 14 and the Sequence Listing, are presented with a sequence identifier.

Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. A fully responsive reply must be timely filed to avoid abandonment of this application.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Gabel whose telephone number is (703) 305-0807.

The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (703) 305-3399. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

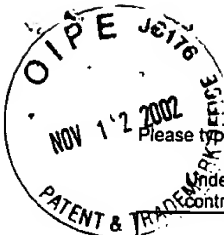
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Gail Gabel  
Patent Examiner  
Art Unit 1641  
October 8, 2002

86

*Christopher L. Chin*

CHRISTOPHER L. CHIN  
PRIMARY EXAMINER  
GROUP 1800/641



1641

PTO/SB/21 (12-97)

Please type a plus sign (+) inside this box ☒

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<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)	Application Number	09/600,564	
	Filing Date	November 7, 2000	
	First Named Inventor	Kern et al.	
	Group Art Unit	1641	
	Examiner Name	Gailene Gabel	
Total Number of Pages in This Submission		Attorney Docket Number	1089-KGB

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<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> To convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) -(please identify below): return receipt postcard
Remarks:		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Theodore A. Gottlieb NORRIS McLAUGHLIN & MARCUS, P.A.	
Signature		Reg. No. 42,597
Date	November 6, 2002	
<b>CERTIFICATE OF MAILING</b>		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Hon. Assistant Commissioner of Patents, Washington, D.C. 20231.		
Typed or printed name	Vilma I. Fernandez	
Signature		Date November 6, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.